IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8117 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PUSHPABEN CHUNILAL RAVAL - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MR JK PARMAR for Petitioner(s) : 1,MR MAHENDRA K PATEL for Petitioner(s) : 1,MR PANKAJ K SONI for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1 - 3.
MR AV TRIVEDI for Respondent(s) : 4,
MR RR VAKIL for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 30/06/2006

ORAL JUDGMENT

1. The petition was filed primarily seeking payment

of gratuity and Provident Fund as also pension. The petitioner is a retired teacher from aided private primary school. She retired with effect from 31-10-1995.

2. It is not in dispute that though through a resolution dated 6-4-2002, Government has included pension benefits for teaching staff of the primary schools, same is application to those employees who are in service on 1-1-1997 or thereafter. The petitioner admittedly having retired prior to such cut of date cannot seek pension. It is stated in the affidavit in reply filed by School Management that they had already deposited their contribution for Provident Fund before the authorities.

3. Learned advocate for the petitioner agrees that subsequent Provident Fund was paid. Only issue raised on behalf of the petitioner therefore, was she was not paid gratuity. No rules or regulations are pointed out to suggest that petitioner was entitled to receive gratuity from

School Management. Nothing further is required to be done in the present petition. However, despite rejection of the petition, it will be open for the petitioner to point out to the authority, relevant material establishing her claim for gratuity. If so done, even at this stage, same will be considered if found admissible. If the petitioner has any further grievance thereafter, if will be open for her to move appropriate forum for redressal of her grievances.

4. Subject to above observations, the petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)